

-11-

**REMARKS**

Claims 1-38 were rejected in an Office Action dated September 12, 2005. Entry of the amendments to claims 1, 4, 5, 27 and 33 is requested; support for the amendments may be found in the "Detailed Description of the Invention." Applicants respectfully request reconsideration of the present application in view of the following remarks.

**Rejections under 35 U.S.C. §112**

Claims 1-38 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants traverse the rejection and believe that all of the claim limitations are clearly defined in the specification and the claims as written are not indefinite; however, to expedite prosecution, claims 1 and 33 have been amended to overcome the rejection. For example, starting at page 9, line 32 of the instant specification, the cable structure is defined. A cable length whether a flat, round or twisted pair has cable upper, lower and side surfaces. Cable upper surface is defined as being nearest the tape; cable lower surface is defined as being nearest the textile surface and side surfaces are defined as being between cable upper and lower surfaces. To one skilled in the art, these definitions should be sufficient to render the claimed structure definite regardless of the cable shape. However, for additional clarity, Applicants direct the Offices attention to Figures 2 (13a, 13b, and 13c) and 3 (13a and 13c) of the instant invention which illustrate upper, lower and side surfaces for flat and round, twisted pair cables which would further eliminate any confusion. Moreover, to further eliminate confusion, the claims have been amended to recite that the tape adheres to the upper cable surface of the cable length, as defined in the specification and illustrated in the figures as the surface nearest the tape. Removal of the rejection to claims 1 and 33, under §112 2<sup>nd</sup> paragraph, is respectfully requested.

Claims 2-4 also have been rejected as indefinite with the term 'wash cycles' deemed unclear as to whether that refers to home laundering, industrial laundering, hand washing, hose spraying, etc. Applicants assert that upon a fair reading of the instant specification including the test method section and the examples, the claims as written would be clear to one skilled in the art. The Test Method For Wash/Dry Cycles is recited beginning at page 18, which

-12-

recites the wash protocol for use with the present invention with particularity. Example 12, which provides exemplary results for samples tested with 1-5 wash cycles points, specifically indicates that the data were derived using the test method described in the instant specification. Applicants further respectfully direct the Offices attention to page 16 (lines 1-18 generally) of the instant specification describing preferred embodiments which have the properties of being able to withstand 2 and 5 wash cycles, and further at line 29, where it is stated that the tests recited therein were used for assessing these properties of embodiments of the present invention. Applicants assert that even the broadest reasonable interpretation of the claims consistent with the specification should render the claims unambiguous to one skilled in the art as no other interpretation is available. Removal of the rejection is requested.

Claims 4-5 and 27 have been amended to solely to resolve the antecedent basis rejection. Support for claim 27 amendment may be found at page 8 of the specification, starting at line 27. Where claim 27 would be clear to one skilled in the art familiar with cables or electronic devices using cables, removal of the rejection is therefore respectfully requested.

#### **Rejections under 35 U.S.C. §103(a)**

Claims 1-8 and 16-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2001/0006173 to Rock et al.

Applicants assert that the Office has failed to establish a prima facie case of obviousness of the presently claimed invention in view of Rock et al. There is no motivation, suggestion or incentive to modify Rock et al. in this manner. Moreover, even if Rock et al. is modified in the manner suggested by the Office, the modification falls short of meeting all of the claimed limitations.

There is no suggestion or incentive to modify Rock et al. in a manner which renders obvious the instantly claimed invention. Rock et al. teach the assembly of composite fabrics into garments. Nowhere do Rock et al. teach the claimed elements of a cable that is extended across at least a portion of two joined textile panels, secured by a tape. At [0006-0007] Rock et al. teach forming a composite fabric having heating/warming elements mounted thereon in a predetermined pattern, and assembling the composite fabric into articles of apparel. At [0026] Rock et al. teach that heating/warming elements are sized and shaped in patterns to conform to fabric regions to form the resulting

-13-

composite fabrics [0026]. Rock et al. teach that the composite fabric with the patterned element is formed prior to cutting, and prior to assembling the composite fabrics into a garment. It is not disclosed or suggested that the conductive yarn or element extends across two assembled (joined) textile panels of a fabric body in a manner which suggests instant claim 1. To state that Rock et al. could have extended cable across two textile panels and secured it with a tape, ignores the true disclosure of Rock et al. of forming elements on fabric to make composite fabric pieces and assembling the composite fabrics into garments, and picks and chooses from among the disclosure only so much as necessary to make the argument that the present invention is suggested.

The Office suggests it would have been obvious to have extended the cable across more than one fabric panel motivated by the expectation that this would allow all of the panels to be heated. However, any suggestion or motivation to do so, is derived solely upon hindsight reconstruction after reviewing the instant application. In fact, when faced with the challenge suggested by the Office, Rock et al. solve it in a manner which would seem to teach away from the present invention. For example, at [0028] referring to Fig. 11, Rock et al. teach incorporating heating/warming elements into multiple panels of a jacket. The jacket, constructed of a pair of adjacent fabric panels, was formed by assembling multiple fabric composites having separate heating/warming elements, and each heating/warming element was connected to a battery, and a separate battery was provided to support each of the heating/warming elements. Thus, when faced with the problem solved by the presently claimed invention, a fair reading of Rock et al. would point one skilled in the art in a different direction. Clearly, the disclosure of Rock et al. does not lead the skilled artisan to the presently claimed invention. Where Rock et al. does not provide any incentive or motivation leading one skilled in the art to the present invention, a prima facie case of obviousness has not been established and removal of the rejection is requested.

Further, the proposed modification does not render the presently claimed invention obvious, where the modification would still fall short of yielding the claimed invention. Rock et al. disclose that a conductive yarn can be mounted upon a fabric surface by adhesion [005] to form the fabric composite used for assembly into garments. Rock et al. also disclose overlaying a protective layer on a fabric surface with the conductive yarn secured in between [0005]. Rock et al., even if modified, does not disclose or

-14-

suggest extending a cable across two joined textile panels, secured to the panels by a tape which covers and adheres to the cable. Rock et al. teach that the protective layer may be joined to the fabric, by e.g. adhesive [0032]; Rock et al. do not teach that the protective layer comprises an adhesive that adheres to the conductive element. Further Fig. 14 discloses that the adhesive used to join the protective layer to the fabric surface is not in contact with the conductive element. Where the proposed modification fails to satisfy all claim limitations, a prima facie case of obviousness has not been established. Removal of the rejection is requested.

Claims 9-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rock et al. as applied to the claims, and further in view of Cordia et al., U.S. Patent No. 5,236,765. Applicants assert that where claims 9-15 are dependent, directly or indirectly, upon claim 1, having all of the limitations of claim 1, they are patentable for the reasons set forth for claim 1. Removal of the rejection is respectfully requested.

Claims 33-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rock et al. as applied to claims above, and further in view of Parker, U.S. Patent No. 5,658,164, which teaches micro-ribbon cable. Applicants traverse the rejection. As stated above, where the proposed modification fails to teach all elements of the claimed invention, a prima facie case of obviousness has not been established. Rock et al. disclose that a conductive yarn can be mounted upon a fabric surface by adhesion [005] to form the fabric composite used for assembly into garments. Rock et al. also disclose overlaying a protective layer on a fabric surface with the conductive yarn secured in between [0005]. Rock et al., even if modified, does not disclose or suggest extending a cable across two joined textile panels, secured to the panels by a tape which covers and adheres to the cable. Rock et al. teach that the protective layer may be joined to the fabric, by e.g. adhesive [0032]; Rock et al. do not teach that the protective layer comprises an adhesive that adheres to the conductive element. Further Fig. 14 discloses that the adhesive used to join the protective layer is not in contact with the conductive element. Parker is cited for disclosing a micro ribbon cable, and does nothing to remedy the deficiencies stated above for Rock et al. Where the proposed combination fails to satisfy all claimed limitations, removal of the rejection is requested.

-15-

**Conclusion**

For the foregoing reasons, the present invention as defined by claims 1-38 is neither taught nor suggested by any of the references of record. Accordingly, applicants respectfully submit that these claims are now in form for allowance. If further questions remain, applicants request that the Examiner telephone applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,



Dianne Burkhard, 41,650  
W. L. Gore & Associates, Inc.  
551 Paper Mill Road  
P.O. Box 9206  
Newark, DE 19714-9206  
(302) 738-4880

Date: March 10, 2006